

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

✓

IN RE:

DAVID C. CASTELUCCI and
REBECCA J. CASTELUCCI,

Debtors.

Chapter 13

Case No. 09-27649 (CMB)

DAVID C. CASTELUCCI and
REBECCA J. CASTELUCCI

Movants

Vs.

DITECH FINANCIAL, LLC, successor in
interest to GREENTREE AND GREEN
TREE,

Respondent

Document No. _____

Related to Doc. Nos. 117 & 118

**STIPULATION AND AGREED ORDER REGARDING DEBTORS'
MOTION TO REOPEN CHAPTER 13 CASE AND MOTION TO HOLD
DITECH FINANCIAL, LLC, SUCCESSOR IN INTEREST TO GREENTREE
AND GREEN TREE, IN CONTEMPT FOR VIOLATING THE DISCHARGE
INJUNCTION AND TO REIMPOSE AUTOMATIC STAY**

David C. Castelucci and Rebecca J. Castelucci (together, the "Debtors") and
Ditech Financial LLC f/k/a Green Tree Servicing LLC ("Ditech" and, together with the Debtors,
the "Parties") respectfully submit this stipulation and agreed order.

WHEREAS, the Debtors own real property located at 130 Castel Avenue, Beaver
Falls, Pennsylvania 15010 (the "Real Property");

WHEREAS, Ditech services the Debtors' loan (the "Loan") that is secured by a
mortgage on the Real Property;

WHEREAS, on May 17, 2016, the Debtors filed the *Motion to Reopen Chapter 13 Case* [Doc. No. 117] ("Motion to Reopen");

WHEREAS, on May 17, 2016, the Debtors also filed the *Motion to Hold Ditech Financial, LLC, Successor in Interest to Greentree and Green Tree, in Contempt for Violating the Discharge Injunction and to Reimpose Automatic Stay* [Doc. No. 118] ("Motion for Contempt"); and

WHEREAS, the Parties desire to resolve the disputes raised by the Motion to Reopen and Motion for Contempt amicably without the need for a hearing.

NOW, THEREFORE, the Parties hereby stipulate and agree, subject to Court approval, as follows:

1. Ditech consents to the relief requested in the Motion to Reopen for the limited purpose of allowing the Court to consider this Stipulation.
2. Ditech acknowledges and agrees that (i) the Loan is current as of the date of this Stipulation; (ii) any late fees or other charges that were assessed with respect to the Loan and are outstanding as of the date of this Stipulation have been waived; and (iii) that it shall contact the three (3) credit bureaus (Equifax, Experian, TransUnion) to update the Debtors' credit files to reflect that the mortgage had been brought current through the Chapter 13 process and remained current from November 2014 through the date of this Stipulation.
3. Within thirty (30) days of the entry of an order approving this Stipulation and receipt of the payee's W-9 form, Ditech shall pay to the Debtors and their counsel the sum of \$4,500.00 by check made payable to "Santillan Law Firm, P.C.," which shall be mailed to Santillan Law Firm, P.C., Attn: Edgardo D. Santillan, Esq., 775 Fourth Street, Beaver, PA 15009.

4. Upon the full performance of the terms of this Stipulation, each of the Debtors, on behalf of themselves, their predecessors, successors, assigns, heirs, executors, administrators, agents, and representatives, hereby irrevocably and unconditionally releases, acquits, and forever discharges each of Ditech and its respective past, present, and future officers, directors, shareholders, members, agents, parent companies, subsidiaries, affiliates, divisions, related companies, partners, employees, predecessors, successors, insurers, representatives, and assigns (collectively, the “Releasees”) of and from any and all claims, liabilities, and demands of any kind that each had, has, or may have, whether known or unknown, against the Releasees as of the date of this Stipulation arising from or in any way related to the servicing of the Loan.

5. The Motion for Contempt shall be deemed to be withdrawn as moot.

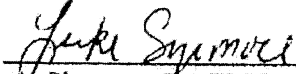
6. This Stipulation constitutes a single, integrated, written contract expressing the entire understanding and agreement between the Parties, and the terms of the Agreement are contractual and not merely recitals. There is no other agreement, written or oral, expressed or implied between the Parties with respect to the subject matter of this Agreement and the Parties declare and represent that no promise, inducement, or other agreement not expressly contained in this Agreement has been made conferring any benefit upon them or upon which they have relied in any way.

7. The Court shall retain jurisdiction with respect to all matters arising or related to the implementation of this Stipulation.

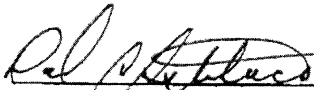
Dated: July 13, 2016

AGREED TO AND ACCEPTED BY:

REED SMITH LLP


By: 
Luke A. Sizemore (PA ID No. 306443)
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: (412) 288-3514
Facsimile: (412) 288-3063
Email: lsizemore@reedsmith.com

Counsel to Ditech Financial LLC

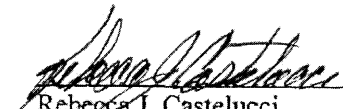

David C. Castelucci
130 Castel Avenue
Beaver Falls, PA 15010

Debtor

SANTILLAN LAW FIRM, P.C.

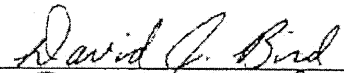
By: 
Edgardo D. Santillan (PA ID No. 60030)
775 Fourth Street
Beaver, PA 15009
Telephone: (724) 770-1040
Email: eds@debtlaw.com

Counsel to Debtors

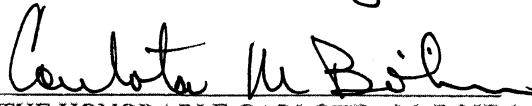

Rebecca J. Castelucci
130 Castel Avenue
Beaver Falls, PA 15010

Debtor

DITECH FINANCIAL LLC

By: 
Name: David J. Bird
Title: Senior Counsel

AND APPROVED BY THE COURT THIS 14th DAY OF July, 2016.


THE HONORABLE CARLOTTA M. BOHM
UNITED STATES BANKRUPTCY COURT

FILED
7/15/16 9:03 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

#126

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

DAVID C. CASTELUCCI and
REBECCA J. CASTELUCCI,

Debtors.

Chapter 13

Case No. 09-27649 (CMB)

DAVID C. CASTELUCCI and
REBECCA J. CASTELUCCI

Movants

Vs.

DITECH FINANCIAL, LLC, successor in
interest to GREENTREE AND GREEN
TREE,

Respondent

Document No. ____

Related to Doc. Nos. 117 & 118

**SETTLEMENT AND CERTIFICATION OF COUNSEL REGARDING DEBTORS'
MOTION TO REOPEN CHAPTER 13 CASE AND MOTION TO HOLD DITECH
FINANCIAL, LLC, SUCCESSOR IN INTEREST TO GREENTREE AND GREEN
TREE, IN CONTEMPT FOR VIOLATING THE DISCHARGE INJUNCTION
AND TO REIMPOSE AUTOMATIC STAY**

The undersigned hereby certifies that an agreement has been reached between David C. Castelucci and Rebecca J. Castelucci (together, the "Debtors") and Ditech Financial LLC f/k/a Green Tree Servicing LLC ("Ditech") regarding the Debtors' *Motion to Reopen Chapter 13 Case* [Doc. No. 117] ("Motion to Reopen") and the Debtors' *Motion for Contempt for Violating the Discharge Injunction and to Re-Impose Automatic Stay* [Doc. No. 118] ("Motion for Contempt"), each filed on May 17, 2016.

The signature requirements of Rule 5005-6 of the Local Bankruptcy Rules of the U.S. Bankruptcy Court for the Western District of Pennsylvania were followed in obtaining the

agreement of all parties and are reflected in the attached stipulation and agreed order.

The undersigned further certifies that a stipulation and agreed order setting forth the terms and conditions of the parties' agreement is attached to this Certificate of Counsel as Exhibit A.

It is respectfully requested that the stipulation and agreed order attached hereto as Exhibit A be entered by the Court.

Dated: July 13, 2016

Respectfully submitted,

SANTILLAN LAW FIRM, P.C.

By: /s/ Edgardo D. Santillan
Edgardo D. Santillan, Esq. (PA I.D. No. 60030)
775 Fourth Street
Beaver, PA 15009
Telephone: (724) 770-1040
Email: eds@debtlaw.com

Counsel to the Debtors

EXHIBIT A

Stipulation and Agreed Order

(Attached)

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

DAVID C. CASTELUCCI and
REBECCA J. CASTELUCCI,

Debtors.

DAVID C. CASTELUCCI and
REBECCA J. CASTELUCCI

Movants

Vs.

DITECH FINANCIAL, LLC, successor in
interest to GREENTREE AND GREEN
TREE,

Respondent

Chapter 13

Case No. 09-27649 (CMB)

Document No. _____

Related to Doc. No. 117 & 118

CERTIFICATE OF SERVICE

I, Edgardo D. Santillan, Esquire, do hereby certify that, on July 13, 2016, I caused a true and correct copy of the *Settlement and Certification of Counsel Regarding Debtors' Motion to Reopen Chapter 13 Case and Motion for Contempt for Violating the Discharge Injunction and to Re-Impose Automatic Stay* to be served upon the following counsel by U.S. Mail, postage prepaid:

Luke A. Sizemore, Esq
Reed Smith, LLP
22 Fifth Avenue
Pittsburgh, PA 15222
Counsel to Ditech

Ronda J. Winnecour
USX Tower
600 Grant Street,
Suite 3250
Pittsburgh, PA 15219
Chapter 13 Trustee

By: /s/ Edgardo D. Santillan
Edgardo D. Santillan, Esquire
PA ID No 60030
775 Fourth Street
Beaver, PA 15009
724-770-1040
eds@debtlaw.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	CASE NO. 09-27649-CMB
	:	
DAVID C CASTELUCCI and	:	Chapter 13
REBECCA J. CASTELUCCI,	:	
	:	
Debtors	:	Document No.
	:	
DAVID C CASTELUCCI and	:	
REBECCA J. CASTELUCCI	:	
	:	
Movants	:	
vs.	:	
	:	
DITECH FINANCIAL, LLC, successor	:	
in interest to GREEN TREE and	:	
GREEN TREE	:	
	:	
Respondents	:	

CERTIFICATION OF COUNSEL REGARDING
STIPULATION FOR SETTLEMENT BETWEEN DEBTORS
AND RESPONDENT, DITECH FINANCIAL, LLC

The undersigned hereby certifies that agreement has been reached with the respondent(s) regarding the Stipulation filed on None. (State None@ if no prior Motion or Application.)

The signature requirements of ECF Procedure #8 have been followed in obtaining the agreement of all parties and is reflected in the attached document.

The undersigned further certifies that:

☐ An agreed order and a black-lined version showing the changes made to the order originally filed with the court as an attachment to the motion is attached to this Certificate of Counsel. Deletions are signified by a line in the middle of the original text (strikeout) and additions are signified by text in italics. It is respectfully requested that the attached order be entered by the Court.

☒ No other order has been filed pertaining to the subject matter to this agreement.

☐ The attached document does not require a proposed order.

☒ The undersigned counsel also obtained the consent from:

Luke A. Sizemore, Esquire
Counsel for Ditech
lsizemore@reedsmith.com

Dated: July 13, 2016

By: /s/ Edgardo D. Santillan
Edgardo D. Santillan, Esq
Santillan Law Firm, P.C.
775 Fourth Street
Beaver, Pa 15009
(724) 770-1040
(412) 774-2266
PA ID No. 60030
eds@debtlaw.com

In re:
David C. Castelucci
Rebecca J. Castelucci
Debtors

Case No. 09-27649-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: culy
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Jul 15, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 17, 2016.

db/jdb +David C. Castelucci, Rebecca J. Castelucci, 130 Castel Avenue,
Beaver Falls, PA 15010-8520

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
13621419 E-mail/Text: bankruptcy.bnc@gt-cs.com Jul 16 2016 00:47:44 Green Tree Servicing, LLC,
P.O. Box 6154, Rapid City, SD 57709-6154

TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 17, 2016

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 15, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor BAC Home Loans Servicing, LP agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
Brett A. Solomon on behalf of Creditor First Merit Bank bsolomon@tuckerlaw.com,
dparanay@tuckerlaw.com/apetronchak@tuckerlaw.com/agilbert@tuckerlaw.com
Edgardo D. Santillan on behalf of Joint Debtor Rebecca J. Castelucci edscourt@debtlaw.com,
edscourt@gmail.com/650corpst304bknotbackup15009@gmail.com/eds@debtlaw.com/eds.myecfemail@gmail.co
m
Edgardo D. Santillan on behalf of Debtor David C. Castelucci edscourt@debtlaw.com,
edscourt@gmail.com/650corpst304bknotbackup15009@gmail.com/eds@debtlaw.com/eds.myecfemail@gmail.co
m
Joseph P. Schalk on behalf of Creditor Green Tree pawb@fedphe.com,
joseph.schalk@phelanhallinan.com
Luke A. Sizemore on behalf of Creditor Ditech Financial LLC f/k/a Green Tree Servicing LLC
lsizemore@reedsmith.com, slucas@reedsmith.com/bankruptcy-2628@ecf.pacerpro.com
Matthew R. Lubniewski on behalf of Creditor First Commonwealth Bank mlubniewski@lenderlaw.com,
mimperatore@lenderlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9